

SEP 16 2005

JOE HILL
HILL LAW OFFICES
P.O. Box 500917
Saipan, MP 96950
Tel.: (670) 234-6806/7743
Fax: (670) 234-7753

For The Northern Mariana Islands
By _____
(Deputy Clerk)

Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

**ABELLANOSA, JOANNA, et.
al.,**

Plaintiff,

v.

**L & T INTERNATIONAL
CORPORATION,**

Defendant.

Civil Action No. 05-0010

**MOTION FOR LEAVE TO
COMPLY WITH LOCAL RULE
7.1.d RE: TABLE OF CONTENTS
AND TABLE OF AUTHORITIES**

Date: September 29, 2005

Time: 9:00 a.m.

Judge: Hon. Alex R. Munson

Pursuant to Local Rule 7.1.d, "[b]riefs or memoranda exceeding fifteen (15) pages shall have a table of contents and authorities cited." Plaintiffs, through inadvertence and oversight, failed to attach or include the table of contents and table of authorities in the Opposition to Defendant's Motion to Dismiss filed on September 15, 2005.

The required Table of Contents and Table of Authorities are hereby submitted and Plaintiffs request leave of court to make and accept this

JOE HILL

Attorney at Law

Hill Law Offices ~ Susupe

P.O. Box 500917 ~ Saipan MP 96950 ~

TEL: (670) 234-6806/7743 ~ FAX: (670) 234-7753

ORIGINAL

1 supplemental filing. Defendant has or will be promptly served a copy of this
2 Motion and the supplemental table of contents and authorities. Counsel
3 telephoned the office of Colin Thompson on September 16, 2005 and informed
4 his staff of Plaintiffs' intent to file this supplementation. Counsel for Plaintiffs
5 believe that Defendant will not be prejudiced hereby.
6

7 **SIGNED** this 16th day of September 2005.


8
9 
10 **JOE HILL**
11 Attorney for Plaintiffs
12
13
14
15
16
17
18
19
20
21
22
23

TABLE OF CONTENTS

TABLE OF AUTHORITIES	***
STANDARD OF REVIEW	Page 1
ARGUMENTS	Page 3
I Defendant L&T, as an employer, is required by law and contract to pay for the costs of physical exams and health clearance certificates for the Plaintiffs pursuant to 3 CMC § 4438(b).	Page 3
II Plaintiffs' Allegations on Outrageous Conduct Sufficiently State a Claim Upon Which Relief May Be Granted.	Page 9
III Plaintiffs Meet the Required Standards Generally for Intentional Infliction of Emotional Distress Claims Under the Restatements.	Page 16
CONCLUSION	Page 20

TABLE OF AUTHORITIES

CASES

American Family Association, Inc. v. City and County of San Francisco, 277 F.3d 1114 (9 th Cir. 2002)	Page 2
Charfauros v. Bd. of Elections, 249 F.3d 941, 956-57 (9 th Cir. 2001) (<i>en banc</i>)	Page 9
Charfauros, et. al v. Board of Elections, et. al. 1998 MP 16, 5 N.M.I. 188 (1998)	Pages 17, 18, 19
Davis v. Bayless, 70 F.3d 367, 372 n.3 (5 th Cir. 1995)	Page 8
Gilligan v. Jamco Development Corp., 108 F.3d 246 (9 th Cir. 1997)	Page 2
Govendo v. Marianas Public Land Corp., 2 N.M.I. 482 (1992)	Page 3
In re Adoption of Magofna, 1 N.M.I. 449, 454 (1990)	Page 9
Independent Enter, Inc. v. Pittsburg Water & Sewer Auth., 103 F.3d 1165, 1175 (3 rd Cir. 1997)	Page 8
Mccalden v. Cal. Library Ass'n, 955 F.2d 1214 (9 th Cir. 1992)	Page 9
Mcmanus v. Fleetwood Enters, Inc. , 320 F.3d 545 (5 th Cir. 2003)	Page 8
Miller v. Currie, 50 F.3d 373 (6 th Cir., 1995)	Pages 10, 11, 12
Parks School of Business v. Symington, 51 F.3d 1480 (9 th Cr. 1995)	Page 2
Roe v. City of San Diego, 356 F.3d 1108 (9 th Cir., 2004)	Page 2
Sablan v. Tenorio, 4 N.M.I. 351, 355 (1996)	Page 2
Steckman v. Hart Brewing, Inc., 143 F.3d 1293 (9 th Cir. 1998)	Page 2
Williamson v. General Dynamics Corp., 208 F.3d 1144, 1149 (9 th Cir., 2000)	Page 2

1 **STATUTES**

2 3 CMC § 4438(b) Pages 3-8

3 3 CMC §4411, et. seq Page 7

4 3 CMC § 4412 (h) Page 7

5 7 CMC § 3401 Page 17

6
7 **FEDERAL RULES**

8 Fed. R. Civ. P. 8(e)(2) Page 8

9 Fed. R. Civ. P. 12(b)(6) passim

10 Fed. R. Civ. P. 11. Page 5

11
12 **OTHER AUTHORITIES**

13 Restatement (Second) Torts Section 46 (1965) Pages 17, 18, 19